

### **REMARKS/ARGUMENTS**

Applicants thank the Examiner for the detailed Office Action dated July 22, 2008. In response to the Examiner's comments, Applicants have amended claims 1, 7, and 13. Applicants respectfully request reconsideration of the present application in view of the amendments to the claims and for the reasons that follow.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections to the independent claims outlined in the Office Action with the understanding that the claims that depend from the independent claims are patentable for at least the same reasons that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2002/0082906 to Kirshner.

The PTO acknowledges the legal standard that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, the "identical invention must be shown in as complete detail as in contained in the ...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See MPEP § 2131. In general, in deciding the issue of anticipation, the trier of fact must identify the elements of the claim at issue,

determine their meaning in light of the specification, and identify corresponding elements disclosed in the allegedly anticipating reference.

#### **Applicant's Independent Claim 1**

Applicants' claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2002/0082906 (Kirshner). Applying the legal standard for anticipation outlined hereinabove, it is respectfully submitted that Kirshner does not identically disclose the combination of elements recited in Applicants' currently amended claim 1. For example, Kirshner does not disclose "a health forecast guide stored on the central server, said health forecast guide **created by analyzing said plurality of health-related data.**" As described in claim 1, the health-related data are from a **plurality of patients**. Kirshner does not disclose using health-related data from a **plurality of patients** to create a health-forecast guide.

It has been shown that Kirshner does not include every element as set forth in Applicants' claim 1, which is therefore patentable. Claims 1-6 depend from claim 1 and are therefore also patentable. Applicants respectfully request the withdrawal of the rejection of claims 1-6.

#### **Applicant's Independent claim 7**

Applicants' claim 7 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2002/0082906 (Kirshner). It is respectfully submitted that Kirshner does not identically disclose the combination of elements recited in Applicants' currently amended claim 7. For example, Kirshner does not disclose "a percentile-ranking guide stored on the central server, said percentile-ranking guide **created by analyzing said plurality**

**of coronary-related data.”** As described in claim 7, the plurality of coronary-related data are from a **plurality of patients**. Kirshner does not disclose using a plurality of coronary-related data from a **plurality of patients** to create a percentile-ranking guide.

It has been shown that Kirshner does not include every element as set forth in Applicants' claim 7, which is therefore patentable. Claims 8-12 depend from claim 7 and are therefore also patentable. Applicants respectfully request the withdrawal of the rejection of claims 7-12.

### **Applicant's Independent Claim 13**

Applicants' claim 13 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2002/0082906 (Kirshner). It is respectfully submitted that Kirshner does not identically disclose the combination of elements recited in Applicants' currently amended claim 13. For example, Kirshner does not disclose **“creating a health forecast guide based on said first plurality of health-related data.”** In claim 13, the first plurality of health-related data are from a **plurality of patients**. Kirshner does not disclose using a plurality of health-related data from a **plurality of patients** to create a health forecast guide.

Kirshner does not disclose **“modifying said health forecast guide based on said second plurality of health-related data to form an updated health forecast guide.”** Kirshner also does not disclose **“downloading said updated health forecast guide from said central server to one of said plurality of remotely-located workstations.”**

It has been shown that Kirshner does not include every element as set forth in Applicants' claim 13, which is therefore patentable. Claims 14-20 depend from claim 13 and are therefore also patentable. Applicants respectfully request the withdrawal of the rejection of claims 13-20.

**Conclusion**

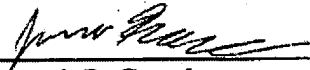
In view of the amendments and remarks/arguments presented above, the Applicants believe that the application is now in condition for allowance, and respectfully request reconsideration of the application, withdrawal of the rejections, and allowance of the claims. The Applicants respectfully request that the Examiner telephone the undersigned in the event a telephone conference would be helpful in advancing prosecution of the application towards allowance.

The Director is hereby authorized to charge any additional fees, which may be required in this application, or credit any overpayments, to Deposit Account No. 070845. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 070845.

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Respectfully submitted,

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